

APPEAL NO. 041559
FILED AUGUST 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 11, 2004. The hearing officer determined that the decedent sustained a compensable injury on _____, resulting in her death. The appellant (self-insured) appeals this determination essentially on sufficiency of the evidence grounds. The respondent (claimant) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the decedent sustained a compensable injury on _____, resulting in her death. At issue is whether the decedent's injury falls within the "coming and going" rule (Section 401.011(12)(A)) or whether she was engaged in a "special mission" at the time of her death (Section 401.011(12)(A)(iii)). There was conflicting evidence presented with regard to this issue. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer is affirmed.

The true corporate name of the insurance carrier is **a self-insured through West Texas Educational Insurance Association** and the name and address of its registered agent for service of process is

**SUPERINTENDENT
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Thomas A. Knapp
Appeals Judge